

REMARKS**INTRODUCTION:**

In accordance with the foregoing, claims 1, 5, 6, 14, 16, 17, 20, and 31 have been amended and claim 45 has been canceled, without prejudice or disclaimer. No new matter is being presented, and approval and entry are respectfully requested.

Claims 13, 19, 39-41, and 44-48 have been withdrawn from consideration. Accordingly, claims 1-12, 14-18, 20-38, and 42-43 are pending and under consideration, with claims 7-8 and 33-34 having been indicated as including allowable subject matter.

Reconsideration is respectfully requested.

REQUEST FOR NEW NON-FINAL OFFICE ACTION

Applicants respectfully request that any next Office Action be a non-final Office Action, as the outstanding Office Action has failed to meet prima facie standards for both anticipation and obviousness rejections.

Regarding the anticipation rejection, the Office Action states two different conclusions regarding what is disclosed by the primary reference. In the anticipation rejection the Office Action indicates that the claimed cool air generating part is disclosed inherently, while in the obviousness rejection the Office Action particularly states that the same is not disclosed by the primary reference, thereby necessitating the setting forth of the obviousness rejection.

Therefore, it is not clear in the outstanding Office Action how the primary reference is being interpreted.

Further, a number of dependent claims set forth particular claim language that have not been addressed in the outstanding Office Action. Considering the corresponding claims have been indicated as being rejected under an obviousness standard, it is further noted that the outstanding Office Action similarly fails to provide any corresponding motivation for addition/modification of such features into the primary reference.

For example, dependent claim 6 sets forth: "a cool air supplying passage extending to the storage compartment of each of the cabinets, communicating with the cool air generating part, and supplying the cool air generated by the cool air generating part to the storage compartment of each of the cabinets, and a storage air exhausting passage exhausting air in the storage compartment of each of the cabinets to the cool air generating part." The Office Action has not addressed these features.

Accordingly, applicants respectfully request the next Office Action, if necessary, be a non-final Office Action.

REJECTION UNDER 35 U.S.C. §102:

Claims 1-5, 9, 11-12, 20-22, 24-27, 29-30, 35, 37, 38 and 42 stand rejected under 35 U.S.C. §102(b) as being anticipated by Osborne, U.S. Patent No. 5,797,279. This rejection is respectfully traversed.

In view of the above amendments to claims 1, 5, 6, 14, 16, 17, 20, and 31, and in view that the Office Action particularly indicated that Osborne failed to disclose the claimed cool air generating part (See the Office Action §103 rejection analysis "Osborne does not disclose cool air generating part"), it is respectfully requested that this rejection be withdrawn.

In addition, as Osborne already failed to disclose the claimed cool air generating part, it is further respectfully submitted that this outstanding anticipatory rejection failed to meet a prima facie anticipatory standard.

Lastly, for the record, it is briefly noted that the recitation of a first and/or second storage compartments is not to be construed as limiting, as alternative numbers of storage compartments are also available.

Accordingly, withdrawal of this rejection is respectfully requested.

REJECTION UNDER 35 U.S.C. §103:

Claims 1-6, 9-12, 20-32, 35, 37 and 38 stand rejected under 35 U.S.C. §103(a) as being obvious over Osborne, in view of Bustos et al., U.S. Patent No. 5,458,407. This rejection is respectfully traversed.

As noted above, claims 1, 14, and 20 have been amended to include at least a feature of the claimed shaft comprising "the a cool air supplying passage extending to the storage compartment of each of the cabinets, communicating with the cool air generating part," noting that now independent claims 6, 17, and 31 already include a similar recitation, with different scope and breaths, and in addition to other patentably distinguishing features.

Thus, claims 1, 6, 14, 17, 20 and 31 particularly claim the shaft comprising a cool air supplying passage extending to the storage compartment of each of the cabinets and communicating with the cool air generating part.

None of Osborne or Bustos et al. disclose or suggest at least the claimed shaft comprising the claimed cool air supplying passage.

Conversely, Osborne merely illustrates a circular drawer unit that can be placed within a refrigerator and Bustos et al. merely illustrates circular shelves within a refrigerator having refrigerant supplied from a back wall "V" shaped portion, supplying coolant to each shelf.

Only the present application would provide the prima facie obviousness required evidenced motivation. Further, in the present record, only the present application discloses or suggests the particularly claimed use of the shaft.

Therefore, for at least the above, it is respectfully requested that this rejection be withdrawn.

Claims 14-19, 36 and 43 stand rejected under 35 U.S.C. §103(a) as being obvious over Osborne, in view of Bustos et al. and further in view of Bustos, U.S. Patent No. 5,549,373. This rejection is respectfully traversed.

It is respectfully submitted that Bustos similarly fails to disclose or suggest the claimed use of the shaft. Accordingly, for at least the above, it is respectfully requested that this rejection be withdrawn.

CONCLUSION:

In accordance with the foregoing, it is respectfully submitted that all outstanding objections and rejections have been overcome and/or rendered moot. Thus, there being no further outstanding objections or rejections, the application is submitted as being in condition for allowance which action is earnestly solicited.

If the Examiner has any remaining issues to be addressed, it is believed that prosecution can be expedited by the Examiner contacting the undersigned attorney for a telephone interview to discuss resolution of such issues.

If there are any underpayments or overpayments of fees associated with the filing of this Amendment, please charge and/or credit the same to our Deposit Account No. 19-3935.

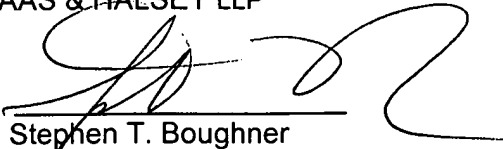
Respectfully submitted,

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12/21/04

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